

2001 DRAFTING REQUEST

Bill

Received: **10/31/2001**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Jim Baumgart (608) 266-2056**

By/Representing: **Aide**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Addl. Drafters: **rryan**

Subject: **Children - juvenile justice
Criminal Law - guns and weapons**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Biological or chemical substance scare; juvenile dispositions for such scare or for bomb scare involving school premises or for firearms in school zone

Instructions:

Redraft s0221 as bill--create new offense for biological or chemical substance scares and create new juvenile dispositions for such scares, and for bomb scares and possession or discharge of firearms, in school zones.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 11/01/2001	jdyer 11/01/2001 jdyer 11/02/2001		_____			S&L
/1			pgreensl 11/05/2001	_____	lrb_docadmin 11/05/2001		S&L
/2	malaigm	jdyer	jfrantze	_____	lrb_docadmin	lrb_docadmin	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/15/2002	02/18/2002	02/18/2002	_____	02/18/2002	02/19/2002	
				_____		lrb_docadmin	
				_____		02/19/2002	

FE Sent For:



At
Intro

<END>

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			2/2/18	2/1/18			

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Page 2

LRB-4168

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			pg	<END>			

SOON

(-41681)
LRB-2055/2
GMM/ld/pg

+ RLR

2001 SENATE BILL 221

or a ^{biological} ~~bomb~~ or chemical substance scare

July 12, 2001 - Introduced by Senators BAUMGART, BURKE, DARLING, SCHULTZ and ROESSLER, cosponsored by Representatives ALBERS, TURNER and RYBA. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

biological or chemical substance scares, ✓

- 1 AN ACT to amend 938.34 (5g) (d); and to create 938.34 (13p) of the statutes;
- ② relating to; juvenile court dispositions for a juvenile who is found to have made
- 3 a bomb scare involving a school premises or to have possessed or discharged a
- ④ firearm in a school zone, and providing a penalty ✓

Insert A

Analysis by the Legislative Reference Bureau

Under current law, the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) may impose various dispositions on a juvenile who has been adjudged delinquent. Those dispositions include the imposition of a forfeiture on the juvenile and the juvenile's parents, a requirement that the juvenile participate in a supervised work program or other community service work, and, for certain violations, restriction or suspension of the juvenile's operating privilege (driver's license). This bill permits the juvenile court to impose, in addition to any other disposition that the juvenile court may impose under current law, any of the following dispositions on a juvenile who has been found to have made a bomb scare involving a school premises or to have possessed or discharged a firearm in a school zone:

- 1. Participation in anger management counseling or any other counseling ordered by the juvenile court.
- 2. Participation for 100 hours in a supervised work program or the performance of 100 hours of other community service work.
- 3. Restriction or suspension of the juvenile's driver's license for two years, if the juvenile used a motor vehicle to facilitate the commission of the violation.

or a biological or chemical substance scare ✓

SENATE BILL 221

(c), BIOLOGICAL OR CHEMICAL
SUBSTANCE SCARES,

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 938.34 (5g) (d) of the statutes is amended to read:

2 938.34 (5g) (d) Under this subsection, a juvenile who is under 14 years of age
3 may not be required to perform more than 40 total hours of supervised work or other
4 community service work, except as provided in subs. (13p), (13r) and (14t).

5 SECTION 2. 938.34 (13p) of the statutes is created to read:

6 938.34 (13p) BOMB SCARES, OR FIREARMS AT SCHOOL. In addition to any other
7 disposition imposed under this section, if the juvenile is found to have violated s.
8 947.015 and the property involved is a school premises, as defined in s. 948.61 (1) (c),
9 or is found to have violated s. 948.605 (2) (a) or (3) (a), the court may order any one
10 or more of the following dispositions:

11 (a) That the juvenile participate in anger management counseling or any other
12 counseling ordered by the court.

13 (b) That the juvenile participate for 100 hours in a supervised work program
14 under sub. (5g) or perform 100 hours of other community service work, unless the
15 court determines that the juvenile would pose a threat to public safety while
16 participating in that program or other community service work.

17 (c) That the juvenile's operating privilege, as defined in s. 340.01 (40), be
18 restricted or suspended for 2 years, ~~except that the court may restrict or suspend a~~
19 ~~juvenile's operating privilege under this paragraph only if the court finds that the~~
20 ~~juvenile used a motor vehicle to facilitate the commission of the violation.~~ If the court
21 restricts or suspends a juvenile's operating privilege under this paragraph, the court

Insert
2-9

the reason -3 for and duration of the restriction or suspension

1 shall immediately forward to the department of transportation notice of the
2 restriction or suspension, clearly stating that the restriction or suspension is for
3 ~~using a motor vehicle to facilitate the commission of a violation of s. 947.015 involving~~
4 ~~a school premises or is for using a motor vehicle to facilitate the commission of a~~
5 ~~violation of s. 948.0695 (2) (a) or (3) (a).~~ If the juvenile's license or operating privilege
6 is currently suspended or revoked or if the juvenile does not currently possess a valid
7 operator's license issued under ch. 343, the suspension under this paragraph is
8 effective on the date on which the juvenile is first eligible for issuance or
9 reinstatement of an operator's license under ch. 343.

Insert 3-9

restriction or

keep period

SECTION 3. Initial applicability.

11 (1) BOMB SCARES OR FIREARMS AT SCHOOL. This act first applies to violations of
12 s. 947.015 or 948.605 (2) (a) or (3) (a) of the statutes committed on the effective date
13 of this subsection.

(END)

1947.017 (2),

(3), BIOLOGICAL OR CHEMICAL SUBSTANCE SCARES,

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0221/lins
RLR:.....

Insert 2-9:

~~#2~~ is found to have violated s. 947.017 (2) and the threat concerned release or dissemination of a harmful substance on a school premises, as defined in s. 948.61

(1) (c),

(End & Insert)

(Insert 3-9)

SECTION 1. 947.017 of the statutes is created to read:

947.017 Threats to release chemical or biological substances. (1) In this section, "harmful substance" means a toxic or poisonous chemical or its precursor or a disease organism.

(2) Whoever, knowing the threat to be false, intentionally threatens to release or disseminate a harmful substance or conveys a threat to release or disseminate a harmful substance, if the threat induces a reasonable expectation or fear that a harmful substance will be released or disseminated, is guilty of a Class E felony.

(End & Insert)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4169/linsA
GMM.....

(INSERT A)

Current law prohibits a person from intentionally conveying any threat or false information, knowing the threat or information to be false, concerning an attempt or alleged attempt to destroy any property by means of explosives (bomb scare). A person who commits a bomb scare may be fined not more than \$10,000 or imprisoned for not more than ~~10~~^{ten} years or both. This bill prohibits a person from intentionally threatening or conveying a threat to release or disseminate a toxic or poisonous chemical or a disease organism (harmful substance), knowing the threat to be false, if the threat induces a reasonable expectation or fear that a harmful substance will be released or disseminated (biological or chemical substance scare). A person who commits a biological or chemical substance scare may be fined not more than \$10,000 or imprisoned for not more than ~~10~~^{ten} years or both.

(END OF INSERT)

Pat

2/15/02

1/2 Permit suspension of driver's license as a disposition

only if juvenile used motor vehicle in commission

of crime



Scan

2001 BILL

Regen

1 AN ACT *to amend* 938.34 (5g) (d); and *to create* 938.34 (13p) and 947.017 of the
 2 statutes; **relating to:** biological or chemical substance scares, juvenile court
 3 dispositions for a juvenile who is found to have made a bomb scare or a biological
 4 or chemical substance scare involving a school premises or to have possessed
 5 or discharged a firearm in a school zone, and providing a penalty.

Analysis by the Legislative Reference Bureau

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Under current law, the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) may impose various dispositions on a juvenile who has been adjudged delinquent. Those dispositions include the imposition of a forfeiture on the juvenile and the juvenile's parents, a requirement that the juvenile

BILL, if the juvenile ^{used} a motor vehicle to facilitate the commission of the violation

participate in a supervised work program or other community service work, and, for certain violations, restriction or suspension of the juvenile's operating privilege (driver's license). This bill permits the juvenile court to impose, in addition to any other disposition that the juvenile court may impose under current law, any of the following dispositions on a juvenile who has been found to have made a bomb scare or a biological or chemical substance scare involving a school premises or to have possessed or discharged a firearm in a school zone:

1. Participation in anger management counseling or any other counseling ordered by the juvenile court.
2. Participation for 100 hours in a supervised work program or the performance of 100 hours of other community service work.
3. Restriction or suspension of the juvenile's driver's license for two years.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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5 **SECTION 2.** 938.34 (13p) [✓] of the statutes is created to read:

6 938.34 (13p) BOMB SCARES, BIOLOGICAL OR CHEMICAL SUBSTANCE SCARES, OR
7 FIREARMS AT SCHOOL. In addition to any other disposition imposed under this section,
8 if the juvenile is found to have violated s. 947.015 and the property involved is a
9 school premises, as defined in s. 948.61 (1) (c), is found to have violated s. 947.017
10 (2) and the threat concerned release or dissemination of a harmful substance on a
11 school premises, as defined in s. 948.61 (1) (c), or is found to have violated s. 948.605
12 (2) (a) or (3) (a), the court may order any one or more of the following dispositions:

13 (a) That the juvenile participate in anger management counseling or any other
14 counseling ordered by the court.

BILL , except that the court may restrict or suspend a juvenile's operating privilege under this paragraph only if the court finds that the juvenile used a motor

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(b) That the juvenile participate for 100 hours in a supervised work program under sub. (5g) or perform 100 hours of other community service work, unless the court determines that the juvenile would pose a threat to public safety while participating in that program or other community service work.

vehicle to facilitate the commission of the violation

(c) That the juvenile's operating privilege, as defined in s. 340.01 (40), be restricted or suspended for 2 years. If the court restricts or suspends a juvenile's operating privilege under this paragraph, the court shall immediately forward to the department of transportation notice of the restriction or suspension, clearly stating the reason for and duration of the restriction or suspension. If the juvenile's license or operating privilege is currently suspended or revoked or if the juvenile does not currently possess a valid operator's license issued under ch. 343, the restriction or suspension under this paragraph is effective on the date on which the juvenile is first eligible for issuance or reinstatement of an operator's license under ch. 343.

SECTION 3. 947.017 of the statutes is created to read:

947.017 Threats to release chemical or biological substances. (1) In this section, "harmful substance" means a toxic or poisonous chemical or its precursor or a disease organism.

(2) Whoever, knowing the threat to be false, intentionally threatens to release or disseminate a harmful substance or conveys a threat to release or disseminate a harmful substance, if the threat induces a reasonable expectation or fear that a harmful substance will be released or disseminated, is guilty of a Class E felony.

SECTION 4. Initial applicability.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 18, 2002

MEMORANDUM

To: Senator Baumgart

From: Gordon M. Malaise, Senior Legislative Attorney

Re: LRB-4168/2 Biological or chemical substance scare; juvenile dispositions for such scare or for bomb scare involving school premises or for firearms in school zone

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

_____ JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9738 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.